

Date: October 27, 2004

Item No. ***7**

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: New Business

Report Prepared by: Cindy Hom

Public Hearing: Yes: _____ No: X

Notices Mailed On: N/A

Published On: N/A

Posted On: N/A

TITLE: "S" ZONE-APPROVAL AMENDMENT SA-2004-94

Proposal: Request to construct a 7-foot wooden enclosure and install exterior equipment in front of an industrial building.

Location: 212 Railroad Avenue.

APN: 028-23-009

RECOMMENDATION: Approve with conditions.

Applicant: Logistics Engineering, C/O Justin Patillo 39488 Stevenson Place
#106 Fremont, CA 94539

Property Owner: Deloitte & Touche LLP 2235 Faraday Ave. Suite O, Carlsbad, CA
92008-7215

Previous Action(s): "S" Zone Approval and Amendments

General Plan Designation: Manufacturing and Warehousing

Environmental: Categorically exempt pursuant to Class 11, Section ("15311") of the California Environmental Quality Act Guidelines

Present Zoning: Heavy Industrial ("M2")

Existing Land Use: Manufacturing, Warehousing, and Distribution

Agenda Sent To: Applicant/Owner (same as above)

Attachments: Site Plan

PJ: N/A

BACKGROUND

The Planning Commission granted "S" Zone approval for this 199,812 square foot office, manufacturing, and warehouse facility on November 15, 1984. Subsequent Planning Commission approvals include a 7-foot chain link fence with barb wiring and signage.

The applicant, Chick Packaging, is a manufacturer of wooden palettes, shipping and lifting fixtures, and other specialty wood products that serve customers with diverse requirements. As result of the merger, the applicant has consolidated their operations to the new Milpitas location. Their business operations require the use of a dust collector, trash compactor and propane tank which are primarily installed as exterior equipment. Per the Milpitas Zoning Ordinance, exterior equipment and/or outdoor storage require suitable screening.

Site Description

The subject site is located on a 9.48-acre parcel and was developed as an office, manufacturing, and warehousing facility with parking and landscaping. The subject site borders the Calaveras Overpass to the south, Railroad Avenue and Ford Creek to the west, industrial uses to the north, and the Union Pacific Railroad to the east. As shown in the aerial photo below, the subject site is currently surrounded by industrial uses. However, in the adjacent vicinity, there are residential uses located west and east of the property as well as the future Library site that will be located between Main and Windsor Street.



THE APPLICATION

The applicant has submitted an "S" Zone Amendment application pursuant to section XI-10-42 (Site and Architectural Review), XI-10-30 (M2 Zoning District) and Milpitas Midtown Specific Plan. The applicant is proposing to locate a 7-foot wooden enclosure and exterior equipment in front of the industrial building which requires Planning Commission review and approval. Section 42 of the Milpitas Zoning Ordinance does not allow Planning staff or the Planning Subcommittee the authority to approve enclosures and exterior equipment unless they are located in the side or rear half of the lot and set as far back as the main building.

PROJECT DESCRIPTION

The applicant is requesting approval for the construction of a 7-foot wooden trellis fence and installation of exterior equipment located at the front of the industrial building. The purpose of the 7-foot fence is to provide security and screening of new exterior equipment and storage of company trucks and wood materials. Proposed new equipment includes a 14'-9 1/2" dust collector, 9'-4" trash compactor, and 3'-1" propane tank.

ISSUES

Conformance with General Plan

The proposed enclosure and exterior equipment does not conflict with any General Plan policies because it is accessory to a permitted use in the M2 zoning district. The project will not generate more vehicle traffic or impact circulation; visual impacts are less than significant and are mitigated with additional landscaping; and the project will also be conditioned to ensure public health and safety requirements are met.

The proposed project is consistent with Implementing Policy 2.a-I-3, which encourages economic pursuits that will strengthen and promote development through stability and balance. The proposed business would add to the City’s economic vitality. The project is also consistent with Implementing Policy 2.a-I-23 which requires development in Midtown area to conform to the adopted design guidelines/requirements contained in the Midtown Specific Plan. The proposed enclosure will utilize wood which is regarded as quality material in the Midtown design guidelines and development standards. The wood material also conveys a sense of durability and permanence.

Conformance with Zoning Ordinance

The purpose of the Heavy Industrial (M2) District is to provide facilities and operation of offices, general manufacturing, warehousing, and distribution uses. The project complies with the development standards that require outdoor storage for such things as trash and materials to be suitably screened with a solid wall or tight board fence and not located within any required front or street side yard (XI-10-30.05-7). The proposed fence will be setback (40) feet from the east property line whereas the required front yard setback is (25) feet. Additionally, the proposed enclosure and equipment is within the maximum (35) foot height limit for structures in the M2 Zoning District.

Current the site is parked with 51 excess spaces and can accommodate the 48 spaces needed for this use and parking lot modifications for the proposed enclosure, exterior equipment and storage area.

Conformance with “S” Zone

As conditioned, the project would be in conformance with the Section 42 (Site and Architectural Review). The purpose of the Site and Architectural Review is to ensure, “...orderly, attractive and harmonious development...” that is compatible with site and surrounding area. The project complies with XI-10-42.10 (K) – Provisions for trash/recycling enclosures, transformers, above ground tanks, exterior equipment, equipment enclosures and storage areas. The following findings are substantiated below:

- a. The enclosure consists of a solid screening material that will utilize colors and materials that complement the building and surrounding area. As proposed the applicant is proposing a tight board wooden fence with a decorative trellis. The wood material is considered a quality material that is consistent with the Midtown Specific Plan design guidelines and development standards requirements. The wood material provides durability and permanence. The wooden enclosure will also be stained to match the color of the Coast Redwood

tree trunks so that it will not introduce a new color and detract from the natural landscape or the building. Considering this industrial site is located near the Mixed Use District which allows for high density residential, the wooden fence with the proposed additional landscaping can serve as neutral buffer.

- b. The enclosure and equipment does not abut any residential uses.
- c. The site is constrained because it lacks a side and rear yard and cannot physically accommodate the proposed enclosure and equipment to be located as far back as the main building. As a result, it requires Planning Commission approval for the location provided the storage area and exterior equipment are suitably screened.
- d. Although the majority of the enclosure will be screened by a row of existing mature trees, the applicant is proposing to plant (7) additional trees and landscaping to ensure the screening is aesthetic and compatible with the surrounding area. The purpose of planting additional trees is to fill in a gap in the tree line. The applicant will be planting (4) Coast Redwood trees and (3) Lombardy Poplar trees that will match the existing trees. As conditioned, the dust collector and trash compactor will also be painted to match the building
- e. The gates will be solid and consist of wood material that will be constructed with a steel frame. Although the Zoning Ordinance requires metal gates, metal gates would be incompatible with the wood material and therefore, staff is supportive of the wooden gate. As conditioned, the enclosure and gates shall be subject to the approval of the Fire Department and Traffic Engineering clearance requirements.
- f. The site was developed with 51 excess parking stalls and can accommodate the 48 stalls needed for this manufacturing/office use and parking lot modification for the proposed enclosure and exterior equipment.

Public Utility Easement

Based on the review of the project, there is an existing waterline that transverses through the property. The waterline runs north to south through the center of the parking lot. Staff recommends a condition of approval that shall require dedication of a 10-foot easement to the City of Milpitas as indicated on Engineering Service Exhibit "S". The applicant shall also be subject to Engineering conditions as listed in the Approved Special Conditions.

COMMUNITY IMPACTS

The proposed enclosure and new exterior equipment will not create any negative community impacts and will meet the required ordinances set forth in the Milpitas Municipal code as conditioned. The proposed enclosure and exterior equipment complies with M2 Zoning District and will not negatively impact public health, safety and general welfare because the project will be aesthetic and compatible with the surrounding area. The project does not impact parking because the site was parked with excess parking stalls and will not exceed the maximum height limit for structures. Additionally, the project will adhere to both fire and building codes and maintain public safety standards for its enclosure and equipment location and installation.

CONFORMANCE WITH CEQA

The proposed project is categorically exempt from further environmental review pursuant to Class 11, Section 15311 ("Accessory structures") of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

Close the Public Hearing and approve "S" Zone Amendment No. SA2004-94 based on the findings listed below.

FINDINGS

1. The project complies with the General Plan and the following policies:
 - Implementing policies 2.a-I-3, which encourages economic pursuits that will strengthen and promote development through stability and balance.
 - Implementing Policy 2.a-I-23 which requires development in Midtown area to conform to the adopted design guidelines/requirements contained in the Midtown Specific Plan.
2. The project complies with the M2 Zoning District and does not exceed the maximum height limit of (35) feet and the development standard for outdoor storage.
3. The project complies with "S" Zone Combing District. As conditioned, the project is compatible, orderly, and aesthetically harmonious with adjacent and surrounding development.
4. The Project complies with the Midtown Specific Plan design guidelines and development standards for quality materials.
5. The Project will not create any negative community impacts or be detrimental to public health, safety and general welfare.
6. The Project is categorically exempt from further environmental review pursuant to Class 11, Section 15311 ("Accessory structures") of the State CEQA Guidelines.

SPECIAL CONDITIONS

1. This Planning Commission approval is for construction of a 7-foot wooden closure and installation of exterior equipment located at 212 Railroad Avenue as shown on approved plans dated October 27, 2004. Any modifications to the project will require an "S" Zone Approval Amendment. Minor modifications can be submitted to the Planning Division for processing pursuant to Section 42 of the Milpitas Zoning Ordinance. (P)
2. This use shall be conducted in accordance with all federal, state and local laws and regulations. (P)
3. Prior to certificate of occupancy, the dust collector and trash compactor shall be painted to match the building. (P)
4. Prior to certificate of occupancy, the fence shall be stained to match the color of the existing coast redwood trees. (P)

5. Prior to building permit issuance, the applicant shall submit a landscape and irrigation plan that shall include restoration of the approved ground cover landscaping in addition to the proposed trees on the eastern portion of the fence that abuts Ford Creek and Railroad Ave. (P)
6. Equipment and storage of materials shall not be visible from any public views and shall be perpetually screened. (P)
7. The fence enclosure shall be perpetually maintained. (P)
8. Any future request for additional removal of parking spaces that results in a parking deficiency, the applicant shall submit a use permit for parking reduction. (P)
9. Any rooftop equipment shall not exceed the height of the existing parapet wall or roof screen. New roof screens shall complement building materials and/or include tex-cote or stylized design that tie into the building. Where possible, new roof screens shall employ one single large screen rather than numerous small ones. (P)
10. Prior to any building permit issuance, the developer shall dedicate the necessary public service utility easement, for the existing water line, as shown on the Engineering Services Exhibit "S", dated 10/22/2004. (E)
11. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easement. (E)
12. Prior to occupancy permit issuance, the proposed Trash Compactor location shall be reviewed and approved by the City Solid Waste Section and BFI. (E)
13. Applicant shall be responsible for the trash collection and recycling services account. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI for commercial services:
 - a. Maintain an adequate level of service for trash collection.
 - b. Maintain an adequate level of recycling collection.
 - c. After the applicant has started its business, the applicant shall contact BFI commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264. (E)
14. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Industries are required to make an evaluation of their specific site activities and determine their permit requirements. If a permit is required, industries must prepare the following documents:
 - a. File a Notice of Intent (NOI) prior to building permit issuance.
 - b. Prepare and submit a Storm Water Pollution Prevention Plan with the NOI.
 - c. Prepare a Monitoring Plan prior to operation.

If you have questions about your specific requirements contact the RWQCB at (1-

800) 794-2482. For general information contact the City of Milpitas at (408) 586-3329. (E)

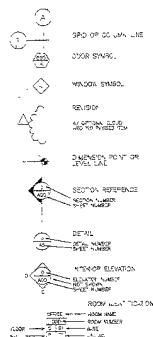
15. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in a Special Flood Hazard Zone **AH**. Therefore, floodproofing is required. Floodproofing can be accomplished either by elevating or floodproofing of the structure and onsite utilities and equipment. Per Chapter 15, Title XI of Milpitas Municipal Code (Ord. No. 209.4) the lowest floor elevation (finished floor) of each structure shall be at least one foot above the BFE, and the pad elevation shall be at or above the BFE which is approximately at elevation **13** feet NGVD, or the structure be floodproofed to least one foot above the BFE so that the walls are watertight. The structure pad(s) shall be properly designed by a registered civil engineer and compacted to meet FEMA's criterion (currently, 95% relative density by the Standard Proctor test procedure, ASTM D-698). In addition, the pad(s) shall extend beyond the building walls before dropping below the base flood elevation, and shall have appropriate protection from erosion and scour. **All electrical equipment, mechanical equipment, and utility type equipment proposed to be installed outside of the structure shall be located above the BFE, or shall be floodproofed, and shall be constructed to prevent damage from flooding events. The proposed PROPANE TANK and any trailers, modular buildings, or pre-manufactured dwelling units located on this site for periods of time greater than one year, shall be adequately anchored to resist flotation, collapse and lateral movements per Floodplain Management Ordinance.** The applicant's civil engineer shall complete and submit a FEMA Elevation Certificate to the City prior to final building inspection. The Elevation Certificate shall certify the "as built" lowest floor elevation. Elevation Certificate forms are available from the Engineering Division. (E)
16. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)
17. The developer shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to Building Permit issuance. Contact the Land Development Section at (408) 586-3329 to obtain the form(s). (E)

Planning = (P)

Engineering = (E)

ABBREVIATIONS

VICINITY MAP

[illegible]

GREG BLAND
AD WHITECOURT
1 3 3 1 1
S K Y L I N
H O U L E Y A D
M O D D S D I
C A L C O N Y
9 4 0 9 1
G O O 2 5 1 6 2 3
F A X 6 5 0 8 8 1 6 2 3
H O U S E 2 5 1 6 2 3



CHICK PACKAGING NORTHERN CALIFORNIA
PHASE 2- EXTERIOR IMPROVEMENTS- PLANNING SUBMITTAL

212 RAILROAD AVE.
MILPITAS, CA

PROJECT SUMMARY

SPRINKLER
WOODEN FENCE & GATE
WOOD SHED
NEW BATH
NEW KITCHEN
NEW LIVING ROOM
NEW PORCH
NEW STAIRS

DATE OF LOG: 11/11/01
OCCUPANT: GREGORY
CONSTRUCTION TYPE: 1-2
BUILDING AREA: 24,000 sq. ft.

[illegible]

DATE AND ACCEPTED DATE AND OFFICER
SIGNED: _____ DISTRICT CLERK

A SEPARATE SYSTEM IS REQUIRED FROM ANY REGULATION OF THE
PROTECTION SYSTEM OR COMPONENT

For more information

Operating high manufacturing—burden on long term
 Long term approx 125,000 at
 10,000 at (not above)

Oracle 10g 10.0.0.2 (11.1.0.7)
 Storage: rawdisk ora.10g
 Controller: 30/3000 Gbps
 2 x 100 Gbps network and host zone

Porang spaces 80 (days to rd of porang spaces + c de + cure + mnd prog)

52022. C. *pubescens* 17-18. 18-19. 19-20. 20-21. 21-22. 22-23. 23-24. 24-25. 25-26. 26-27. 27-28. 28-29. 29-30. 30-31. 31-32. 32-33. 33-34. 34-35. 35-36. 36-37. 37-38. 38-39. 39-40. 40-41. 41-42. 42-43. 43-44. 44-45. 45-46. 46-47. 47-48. 48-49. 49-50. 50-51. 51-52. 52-53. 53-54. 54-55. 55-56. 56-57. 57-58. 58-59. 59-60. 60-61. 61-62. 62-63. 63-64. 64-65. 65-66. 66-67. 67-68. 68-69. 69-70. 70-71. 71-72. 72-73. 73-74. 74-75. 75-76. 76-77. 77-78. 78-79. 79-80. 80-81. 81-82. 82-83. 83-84. 84-85. 85-86. 86-87. 87-88. 88-89. 89-90. 90-91. 91-92. 92-93. 93-94. 94-95. 95-96. 96-97. 97-98. 98-99. 99-100. 100-101. 101-102. 102-103. 103-104. 104-105. 105-106. 106-107. 107-108. 108-109. 109-110. 110-111. 111-112. 112-113. 113-114. 114-115. 115-116. 116-117. 117-118. 118-119. 119-120. 120-121. 121-122. 122-123. 123-124. 124-125. 125-126. 126-127. 127-128. 128-129. 129-130. 130-131. 131-132. 132-133. 133-134. 134-135. 135-136. 136-137. 137-138. 138-139. 139-140. 140-141. 141-142. 142-143. 143-144. 144-145. 145-146. 146-147. 147-148. 148-149. 149-150. 150-151. 151-152. 152-153. 153-154. 154-155. 155-156. 156-157. 157-158. 158-159. 159-160. 160-161. 161-162. 162-163. 163-164. 164-165. 165-166. 166-167. 167-168. 168-169. 169-170. 170-171. 171-172. 172-173. 173-174. 174-175. 175-176. 176-177. 177-178. 178-179. 179-180. 180-181. 181-182. 182-183. 183-184. 184-185. 185-186. 186-187. 187-188. 188-189. 189-190. 190-191. 191-192. 192-193. 193-194. 194-195. 195-196. 196-197. 197-198. 198-199. 199-200. 200-201. 201-202. 202-203. 203-204. 204-205. 205-206. 206-207. 207-208. 208-209. 209-210. 210-211. 211-212. 212-213. 213-214. 214-215. 215-216. 216-217. 217-218. 218-219. 219-220. 220-221. 221-222. 222-223. 223-224. 224-225. 225-226. 226-227. 227-228. 228-229. 229-230. 230-231. 231-232. 232-233. 233-234. 234-235. 235-236. 236-237. 237-238. 238-239. 239-240. 240-241. 241-242. 242-243. 243-244. 244-245. 245-246. 246-247. 247-248. 248-249. 249-250. 250-251. 251-252. 252-253. 253-254. 254-255. 255-256. 256-257. 257-258. 258-259. 259-260. 260-261. 261-262. 262-263. 263-264. 264-265. 265-266. 266-267. 267-268. 268-269. 269-270. 270-271. 271-272. 272-273. 273-274. 274-275. 275-276. 276-277. 277-278. 278-279. 279-280. 280-281. 281-282. 282-283. 283-284. 284-285. 285-286. 286-287. 287-288. 288-289. 289-290. 290-291. 291-292. 292-293. 293-294. 294-295. 295-296. 296-297. 297-298. 298-299. 299-300. 300-301. 301-302. 302-303. 303-304. 304-305. 305-306. 306-307. 307-308. 308-309. 309-310. 310-311. 311-312. 312-313. 313-314. 314-315. 315-316. 316-317. 317-318. 318-319. 319-320. 320-321. 321-322. 322-323. 323-324. 324-325. 325-326. 326-327. 327-328. 328-329. 329-330. 330-331. 331-332. 332-333. 333-334. 334-335. 335-336. 336-337. 337-338. 338-339. 339-340. 340-341. 341-342. 342-343. 343-344. 344-345. 345-346. 346-347. 347-348. 348-349. 349-350. 350-351. 351-352. 352-353. 353-354. 354-355. 355-356. 356-357. 357-358. 358-359. 359-360. 360-361. 361-362. 362-363. 363-364. 364-365. 365-366. 366-367. 367-368. 368-369. 369-370. 370-371. 371-372. 372-373. 373-374. 374-375. 375-376. 376-377. 377-378. 378-379. 379-380. 380-381. 381-382. 382-383. 383-384. 384-385. 385-386. 386-387. 387-388. 388-389. 389-390. 390-391. 391-392. 392-393. 393-394. 394-395. 395-396. 396-397. 397-398. 398-399. 399-400. 400-401. 401-402. 402-403. 403-404. 404-405. 405-406. 406-407. 407-408. 408-409. 409-410. 410-411. 411-412. 412-413. 413-414. 414-415. 415-416. 416-417. 417-418. 418-419. 419-420. 420-421. 421-422. 422-423. 423-424. 424-425. 425-426. 426-427. 427-428. 428-429. 429-430. 430-431. 431-432. 432-433. 433-434. 434-435. 435-436. 436-437. 437-438. 438-439. 439-440. 440-441. 441-442. 442-443. 443-444. 444-445. 445-446. 446-447. 447-448. 448-449. 449-450. 450-451. 451-452. 452-453. 453-454. 454-455. 455-456. 456-457. 457-458. 458-459. 459-460. 460-461. 461-462. 462-463. 463-464. 464-465. 465-466. 466-467. 467-468. 468-469. 469-470. 470-471. 471-472. 472-473. 473-474. 474-475. 475-476. 476-477. 477-478. 478-479. 479-480. 480-481. 481-482. 482-483. 483-484. 484-485. 485-486. 486-487. 487-488. 48

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REVISIONS

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CHICK PACKAGING NORTHERN CALIFORNIA
PHASE 2 EXTERIOR IMPROVEMENTS-- PLANNING SUBMITTAL

COVER SHEET

DATE 07 SEP 04

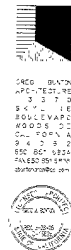
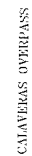
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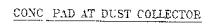
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CHUCK PACKAGING NORTHERN CALIFORNIA
PHASE 2, EXTERIOR IMPROVEMENTS PLANNING SUBMITTAL
1717 PARKWAY AVE
MILPITAS, CA

SITE PLAN, FLOOR PLAN, DETAILS

CHICK PACKAGING NORTHERN CALIFORNIA
PHASE 2 EXTERIOR IMPROVEMENTS
712 PARK ROAD, APT.
MILFORD, CA

